

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

**JINKS, DANIEL & CROW, P.C.,**

**Plaintiff,**

**v.**

**COMMUNITY BANK AND TRUST OF  
SOUTHEAST ALABAMA, UNITED  
STATES DEPARTMENT OF  
TREASURY, INTERNAL REVENUE  
SERVICE,**

**Defendants.**

**CIVIL ACTION NO.  
2:05cv940-T**

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Rule 26(f), *Fed. R. Civ. P.*, and the Order of this Court dated December 5, 2005, the parties by and through their counsel, conferred to consider and to discuss the items required by Rule 26(f). The report of the parties' conference is set forth below in accordance with Form 35 of the Appendix to the Federal Rules:

**I. Appearances for Conference:**

**A. For the Plaintiff:**

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**B. For Defendant, Community Bank & Trust of Southeast Alabama:**

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C. For Defendant the Internal Revenue Service:

James T. Lyons  
Trial Attorney, Tax Division  
U. S. Department of Justice  
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Washington, DC 20044  
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## II. **Pre-Discovery Disclosures.**

The parties will exchange by January 31, 2006, the information and documents required by Rule 26(a)(1)(A)-(E), *Fed. R. Civ. P.*

## III. **Discovery Plan.**

The parties propose the following discovery plan.

### A. **Discovery Completion Date:**

All discovery on the merits shall be commenced in time to be completed on or before March 31, 2006.

### B. **Discovery Limits:**

All discovery on the merits shall be limited as follows:

#### 1. **Interrogatories, Request for Admissions and Document Requests.**

The parties propose the following limits:

(a) **Interrogatories:** Not more than 20 by each party upon any other party.

(b) **Request for Admissions:** Not more than 20 by each party upon any other party.

(c) **Document Requests:** Not more than 20 by each party upon any other party.

2. **Depositions (Excluding Experts):** The parties propose a maximum of five (5) depositions for each Defendant.

3. **Disclosure of Experts:** Unless modified by stipulation of the parties, the disclosure of expert witnesses, including the report required by

Rule 26(a)(2)(B), *Fed. R. Civ. P.*, from any specially retained or employed expert, are due:

From Plaintiff: Not applicable.

From CB&T: February 28, 2006.

From the IRS: March 10, 2006.

A. Supplementation.

Supplementation of disclosures and discovery responses as required by Rule 26(e), *Fed. R. Civ. P.*, is to be accomplished "at appropriate intervals", and "seasonably," but not later than thirty (30) days before the applicable discovery completion date.

IV. Other Items.

A. No Pre-Scheduling Order Conference.

The parties do not request a conference with the Court prior to the entry of the Scheduling Order.

B. Pretrial Conference.

The parties request a pretrial conference on June 12, 2006.

C. Additional Parties.

The parties do not foresee the need to add additional parties to this interpleader action.

D. Dispositive Motions. All potentially dispositive motions shall be filed by March 17, 2006.

E. Settlement. Settlement cannot be evaluated at this time.

F. Final Witness and Exhibit Lists. Final list of witnesses and final exhibits under Rule 26(a)(3), *Fed. R. Civ. P.*, are due as follows:

From Plaintiff: Not applicable.

From CB&T by May 22, 2006.

From the IRS by May 22, 2006.

The parties should each have seven (7) days after service of the foregoing witness and exhibit lists to file objections under Rule 26(a)(3).

G. Ready for Trial.

The case should be ready for trial by June 26, 2006. At this time, trial is expected to take approximately one (1) day.

H. Definition of "Completion".

For all discovery completion dates, "completed" means (a) that all interrogatories, requests for admissions, document requests, and Rule 45 subpoenas have been served and the time to respond as provided by the applicable rule has expired, and (b) that all depositions, including the depositions of experts, have been taken, or, at least, the depositions have been noticed by service upon counsel at a time when there is at least thirty (30) days remaining in the applicable discovery period.

I. Certification Regarding Consent and Retention of Original.

Pursuant to the Civil Cases Administrative Procedures of this Court, the undersigned certifies that all counsel in this action have consented to the filing of this Report by the undersigned, and that the undersigned shall retain the original of this filing pursuant to the Court's procedures.

Respectfully submitted,

/s/ Anne Stone Sumblin  
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